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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,695	06/28/2000	Steven Michael Schein	108.0003-00000	6334

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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/605,695

Applicant(s)
Schein,

Examiner
John Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 20, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 14, 2003 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

[Handwritten signature]
11-17-03

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CORRECTION LETTER RE LAST OFFICE ACTION

1. In response to Applicant's inquiry on 1/12/2004 regarding the last Office action, the following corrective action is taken.

The period for reply of 3 MONTHS set in said Office Action is restarted to begin with the mailing date of this letter.

CONCLUSION

2. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Serial Number: 09/605,695

(Schein)

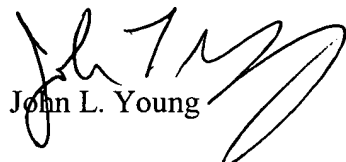
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Primary Patent Examiner

January 13, 2004

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SECOND ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §101

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful
process, machine, manufacture, or composition of matter or
any new and useful improvement thereof, may obtain a
patent therefore, subject to the conditions and requirements
of this title.

2. Claims 1-7, 9- 15, 17-20, 22-23 & 25-28 are rejected under 35 U.S.C. 101, because the claims are directed to non-statutory subject matter.

As per claims 1-7, 9- 15, 17-20, 22-23 & 25-28, as drafted said claims are not limited by language to a useful, concrete and tangible application (See *State Street v.*

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Signature financial Group, 149 F.3d at 1374-75 , 47 USPQ 2d at 1602 (Fed Cir. 1998) ;
AT&T Corp. v. Excel, 50 USPQ 2d 1447, 1452 (Fed. Cir. 1999) within the technological
arts (see *In re Waldbaum*, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280
(CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV
2(b).

Note: it is well settled in the law that “[although] a claim should be interpreted in
light of the specification disclosure, it is generally considered improper to read limitations
contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162
USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA
1975), which discuss the premise that one cannot rely on the specification to impart
limitations to the claims that are not recited in the claims.” (See MPEP 2173.05(q)).

CLAIM REJECTION — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the
invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between
the subject matter sought to be patented and the prior art

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are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-37 are rejected under 35 U.S.C. §103(a) as being obvious over Ginter US 5,892,900; class 713/200, (Apr. 6, 1999) (herein referred to as ("Ginter").

As per independent claim 1, Ginter (col. 325, ll. 1-67) discloses: "*target content object. . . .*"

Ginter (col. 197, ll. 42-65) discloses: "*This mechanism could be used . . . to distribute customized versions of a piece of content and control access to the various versions in the content object. . . .*"

Ginter (col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; and col. 269, ll. 1-67) discloses: "*smart object agents. . . .*"

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35) discloses: "*collect data on end user usage activities. . . .*"

Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) shows "*media content. . . .*"

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Ginter (the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) shows the elements and limitations of claim 1; however,

Ginter lacks an explicit recitation of "a data reporter for collecting user activity information representing exercise of a first media object by said at least one user. . . ." even though;

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) discloses: "*collect data on end user usage activities. . . .*" In this case, the Examiner interprets the disclosure of Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) i.e., "*collect data on end user usage activities. . . .*" as showing "a data reporter for collecting user activity information representing exercise of a first media object by said at least one user. . . ."

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) would have been selected in accordance with "a data reporter for collecting user activity information representing exercise of a first media object by said at least one

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user. . .” because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

As per dependent claims 2-8, Ginter shows the method of claim 1 and subsequent base claims depending from claim 1.

Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) shows the elements and limitations of claims 2-8.

Ginter lacks explicit recitation of the elements and limitations of claims 2-8, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll.

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41-67; and col. 174, ll. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claims 2-8 because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

Independent claim 9 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 10-16, Ginter shows the method of claim 9 and subsequent base claims depending from claim 9.

Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) shows the elements and limitations of claims 10-16.

Ginter lacks explicit recitation of the elements and limitations of claims 10-16, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301,

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ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claims 10-16 because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

As per independent claim 17, Ginter (col. 325, ll. 1-67) discloses: *“target content object. . . .”*

Ginter (col. 50, ll. 50-52) discloses: *“FIG. 15A is an example of a channel header and channel detail records. . . .”*

Ginter (col. 109, ll. 42-50; and col. 111, ll. 16-40) discloses: *“relevant headers, content tags. . . .”*

Ginter (col. 311, ll. 30-60) discloses: *“account profile that may relate to such content to the repository. . . .”*

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Ginter (col. 197, ll. 42-65) discloses: “*This mechanism could be used . . . to distribute customized versions of a piece of content and control access to the various versions in the content object. . . .*”

Ginter (col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; and col. 269, ll. 1-67) discloses: “*smart object agents. . . .*”

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35) discloses: “*collect data on end user usage activities. . . .*”

Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) shows “media content. . . .”

Ginter (the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) shows the elements and limitations of claim 17; however,

Ginter lacks an explicit recitation of “a header so that a media object profile is created for each media object. . . .” even though;

Ginter (col. 109, ll. 42-50; col. 111, ll. 16-40; col. 311, ll. 30-60; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) suggests same.

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It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 109, ll. 42-50; col. 111, ll. 16-40; col. 311, ll. 30-60; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) would have been selected in accordance with “a header so that a media object profile is created for each media object. . . .” because such disclosure would have provided a method enabling “*participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.*” (See Ginter col. 8, ll. 40-49).

As per dependent claims 18-21, Ginter shows the method of claim 17 and subsequent base claims depending from claim 17.

Ginter lacks explicit recitation of the elements and limitations of claims 18-21, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) would have been selected in

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accordance with the elements and limitations of claims 18-21 because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

As per independent claim 22, Ginter (col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; and col. 269, ll. 1-67) discloses: *“smart object agents. . . .”*

Ginter (col. 325, ll. 1-67) discloses: *“target content object. . . .”*

Ginter (col. 197, ll. 42-65) discloses: *“This mechanism could be used . . . to distribute customized versions of a piece of content and control access to the various versions in the content object. . . .”*

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35) discloses: *“collect data on end user usage activities. . . .”*

Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) shows *“media content. . . .”*

Ginter (col. 311, ll. 30-60) discloses: *“account profile that may relate to such content to the repository. . . .”*

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Ginter (the ABSTRACT; col. 311, ll. 30-60; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) shows the elements and limitations of claim 22; however,

Ginter lacks an explicit recitation of “a media object profile portion containing information gathered from a plurality of users representing exercise of said media object by said plurality of users. . . .” even though;

Ginter (col. 109, ll. 42-50; col. 111, ll. 16-40; col. 311, ll. 30-60; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 109, ll. 42-50; col. 111, ll. 16-40; col. 311, ll. 30-60; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) would have been selected in accordance with “a media object profile portion containing information gathered from a plurality of users representing exercise of said media object by said plurality of users. . . .” because such disclosure would have provided a method enabling “*participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.*” (See Ginter col. 8, ll. 40-49).

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As per dependent claims 23-24, Ginter shows the method of claim 22 and subsequent base claims depending from claim 22.

Ginter lacks explicit recitation of the elements and limitations of claims 23-24, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claims 23-24 because such disclosure would have provided a method enabling "*participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.*" (See Ginter col. 8, ll. 40-49).

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As per independent claim 25, Ginter (col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; and col. 269, ll. 1-67) discloses: “*smart object agents. . .*”

Ginter (col. 325, ll. 1-67) discloses: “*target content object. . .*”

Ginter (col. 50, ll. 50-52) discloses: “*FIG. 15A is an example of a channel header and channel detail records. . .*”

Ginter (col. 109, ll. 42-50; and col. 111, ll. 16-40) discloses: “*relevant headers, content tags. . .*”

Ginter (col. 311, ll. 30-60) discloses: “*account profile that may relate to such content to the repository. . .*”

Ginter (col. 197, ll. 42-65) discloses: “*This mechanism could be used . . . to distribute customized versions of a piece of content and control access to the various versions in the content object. . .*”

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35) discloses: “*collect data on end user usage activities. . .*”

Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) shows “*media content. . .*”

Ginter (the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col.

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174, ll. 22-35 and whole document) shows the elements and limitations of claim 25; however,

Ginter lacks an explicit recitation of “detaching and decoding said coded header to obtain said profile, said profile containing user activity information representing exercise of said media object by users. . . .” even though;

Ginter (col. 109, ll. 42-50; col. 111, ll. 16-40; col. 311, ll. 30-60; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 109, ll. 42-50; col. 111, ll. 16-40; col. 311, ll. 30-60; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) would have been selected in accordance with “detaching and decoding said coded header to obtain said profile, said profile containing user activity information representing exercise of said media object by users. . . .” because such disclosure would have provided a method enabling “*participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.*” (See Ginter col. 8, ll. 40-49).

As per dependent claim 26, Ginter shows the method of claim 25.

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Ginter lacks explicit recitation of the elements and limitations of claim 25, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claim 25 because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

As per independent claim 27, Ginter (col. 325, ll. 1-67) discloses: *“target content object. . . .”*

Ginter (col. 197, ll. 42-65) discloses: *“This mechanism could be used . . . to distribute customized versions of a piece of content and control access to the various versions in the content object. . . .”*

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Ginter (col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; and col. 269, ll. 1-67) discloses: “*smart object agents. . . .*”

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35) discloses: “*collect data on end user usage activities. . . .*”

Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) shows “media content. . . .”

Ginter (the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) shows the elements and limitations of claim 27; however,

Ginter lacks an explicit recitation of “collecting information from a plurality of users related to the viewing of at least one media object. . . .” even though;

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) discloses: “*collect data on end user usage activities. . . .*” In this case, the Examiner interprets the disclosure of Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) i.e., “*collect data on end user*

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usage activities. . . .” as showing “collecting information form a plurality of users related to the viewing of at least one media object. . . .”

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) would have been selected in accordance with “collecting information form a plurality of users related to the viewing of at least one media object. . . .” because such disclosure would have provided a method enabling “*participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.*” (See Ginter col. 8, ll. 40-49).

As per dependent claim 28, Ginter shows the method of claim 27.

Ginter lacks explicit recitation of the elements and limitations of claim 27, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-

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67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claim 28 because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

As per independent claim 29, Ginter (col. 325, ll. 1-67) discloses: *“target content object. . . .”*

Ginter (col. 311, ll. 30-60) discloses: *“account profile that may relate to such content to the repository. . . .”*

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35) discloses: *“collect data on end user usage activities. . . .”*

Ginter (col. 18, ll. 38-67; col. 19, ll. 10; col. 25, ll. 1-35; col. 37, ll. 15-67; col. 38, ll. 1-35; col. 307, ll. 5-30; and col. 338, ll. 10-67) shows “collecting information from users of Internet links; correlating the collected information with at least one Internet link; creating an Internet link profile based on the correlated information; and selecting at least one Internet link based on the profile of a user requested link. . . .”

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Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) shows “media content. . . .”

Ginter (the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) shows the elements and limitations of claim 29; however,

Ginter lacks an explicit recitation of “collecting information from users of Internet links; correlating the collected information with at least one Internet link; creating an Internet link profile based on the correlated information; and selecting at least one Internet link based on the profile of a user requested link. . . .” even though;

Ginter (col. 18, ll. 38-67; col. 19, ll. 10; col. 25, ll. 1-35; col. 37, ll. 15-67; col. 38, ll. 1-35; col. 307, ll. 5-30; and col. 338, ll. 10-67; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 18, ll. 38-67; col. 19, ll. 10; col. 25, ll. 1-35; col. 37, ll. 15-67; col. 38, ll. 1-35; col. 307, ll. 5-30; and col. 338, ll. 10-67; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67;

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col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) would have been selected in accordance with “collecting information from users of Internet links; correlating the collected information with at least one Internet link; creating an Internet link profile based on the correlated information; and selecting at least one Internet link based on the profile of a user requested link. . . .” because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

As per dependent claim 30, Ginter shows the method of claim 29.

Ginter lacks explicit recitation of the elements and limitations of claim 29, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 18, ll. 38-67; col. 19, ll. 10; col. 25, ll. 1-35; col. 37, ll. 15-67; col. 38, ll. 1-35; col. 307, ll. 5-30; and col. 338, ll. 10-67) would have been selected in accordance with the elements and limitations of claim 30 because such disclosure would have provided a method enabling *“participants in a business value*

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chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.” (See Ginter col. 8, ll. 40-49).

As per dependent claim 31, Ginter shows the method of claim 29.

Ginter lacks explicit recitation of the elements and limitations of claim 29, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 18, ll. 38-67; col. 19, ll. 10; col. 25, ll. 1-35; col. 37, ll. 15-67; col. 38, ll. 1-35; col. 307, ll. 5-30; and col. 338, ll. 10-67) would have been selected in accordance with the elements and limitations of claim 31 because such disclosure would have provided a method enabling “*participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.*” (See Ginter col. 8, ll. 40-49).

As per independent claim 32, Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35) discloses: “*collect data on end user usage activities. . . .*”

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Ginter (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) shows “media content. . . .”

Ginter (the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) shows the elements and limitations of claim 32; however,

Ginter lacks an explicit recitation of “a data reporter for collecting information form a plurality of users. . . .” even though;

Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) discloses: “*collect data on end user usage activities. . . .*” In this case, the Examiner interprets the disclosure of Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) i.e., “*collect data on end user usage activities. . . .*” as showing “a data reporter for collecting information form a plurality of users. . . .”

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 152, ll. 28-39; col. 154, ll. 41-67; col. 174, ll. 22-35; col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; and col. 302, ll. 1-15) would have been selected in accordance with “a data reporter for collecting

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information form a plurality of users. . . .” because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

As per dependent claims 33-37, Ginter shows the method of claim 32 and subsequent base claims depending from claim 32.

Ginter lacks explicit recitation of the elements and limitations of claims 33-37, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 18, ll. 38-67; col. 19, ll. 10; col. 25, ll. 1-35; col. 37, ll. 15-67; col. 38, ll. 1-35; col. 307, ll. 5-30; and col. 338, ll. 10-67) would have been selected in accordance with the elements and limitations of claim 33-37 because such disclosure would have provided a method enabling *“participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.”* (See Ginter col. 8, ll. 40-49).

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RESPONSE TO ARGUMENTS

4. Any arguments concerning the obviousness rejections of claims 1-37 in the prior Office Action are moot because of new grounds of rejection.

CONCLUSION

5. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

Serial Number: 09/605,695

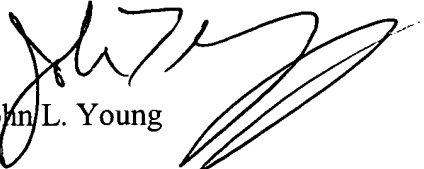
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Patent Examiner

November 17, 2003